

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
Christopher Ling

-V-

ORDER OF DISMISSAL
FOR LACK OF ACTIVITY
ADOPTING REPORT AND
RECOMMENDATION
CV 00-4339 (JS) (MLO)

Suffolk Co. Correctional Facility, et al.
-----X

APPEARANCES:

For Plaintiff:

Christopher Ling, *Pro Se*

01-A-5216

Whereabouts unknown

For Defendants:

Susan Flynn, Esq.

Arlene Zwilling, Esq.

Robert Caccese, Esq.

Suffolk Co. Attorney's Office

P.O. Box 6100

Hauppauge NY 11788

SEYBERT, DISTRICT JUDGE:

The above-captioned case was filed on July 26, 2000.

In a Report and Recommendation dated Mar. 30, 2009 (docket entry [29]), Magistrate Judge Michael L. Orenstein delineated the plaintiff's failures to act as directed. It was noted that the plaintiff has not communicated with the Court since 2007. He was warned in a prior Order dated Jan. 29, 2008 (docket entry [28]), that he risked having the case dismissed. The Report and Recommendation advised that objections needed to be filed within a ten (10) day period. There was no objection received.

Although the Report & Recommendation sent by the Clerk's Office to the plaintiff's Attica address on the docket was returned, a copy was sent by the defendants to the Elmira Facility, which was correct at that time. In any event, the New York State Corrections website indicates that the plaintiff was released on Apr. 17, 2009. He has not contacted the Court with his current address, as is his responsibility.

Absent any objection, the Report and Recommendation is adopted. IT IS HEREBY ORDERED that this case be dismissed without prejudice for lack of prosecution, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Clerk of Court is directed to mark the case closed.

SO ORDERED.

/s/ JOANNA SEYBERT

JOANNA SEYBERT, U.S.D.J

Dated: Central Islip, New York

JUNE 29 , 2009